

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	No. 17-CR-195-D
)	
RALPH ALLAN LEE SHORTEY,)	
)	
Defendant.)	

JOINT STATEMENT OF DISCOVERY CONFERENCE

This joint statement is submitted pursuant to LCrR16.1(b).

1. Date Conference Held: September 14, 2017, within fourteen (14) days of the appearance before Magistrate Judge Bernard Jones where a plea of not guilty was entered.

2. Names of the attorneys who attended the conference:

U.S. Attorney/AUSA: AUSAs McKenzie Anderson and Brandon Hale

Defense Attorney: Ed Blau and Dustin Hopson

☐ Retained ☒ Appointed ☐ Federal Public Defender/Assistant FPD

☐ or Panel Member

Counsel met for purposes of exchanging discovery materials in accordance with the Federal Rules of Criminal Procedure as supplemented by the Local Criminal Court Rules and any orders of this Court and, as a result of the conference, the undersigned counsel report the following:

3. The specific time, date and place at which the offense(s) charged is/are alleged to have been committed:

Counts 1 and 2 relate to emails sent from Shortey's email account at AOL in October 2013.

Count 3 relates to Shortey's inducement of minor John Doe to photograph sexually explicit conduct and send it to Shortey using facilities of interstate commerce between February 2016 and March 2017.

Count 4 relates to Shortey recruiting, enticing, transporting, obtaining, patronizing and soliciting minor John Doe via Kik messages to perform a commercial sex act at the Super 8 Motel on March 8 and 9, 2017.

4. (a)(1) Any contested issues of discovery and inspection raised by counsel for plaintiff:

None at this time. The United States has requested that counsel for Defendant produce all required discovery for his case-in-chief and other information pursuant to Local Rules and the Federal Rules of Criminal Procedure.

(2) Any contested issues of discovery and inspection raised by counsel for defendant:

None at this time.

(b) Any additional discovery or inspection desired by either party:

None at this time. The United States is making certain discovery, including John Doe's LG tablet, John Doe's Kindle tablet, the entire contents of Shortey's AOL email account and his Google account, and all materials seized during the execution of search warrants (including materials received from electronic service providers), available to defense counsel to review at the U.S. Attorney's office. Thus, the United States will have either provided the defense with bates stamped copies of or access to all investigative reports and materials seized during the course of its investigation.

5. The fact of disclosure of all materials favorable to the defendant or the absence thereof within the meaning of Brady v. Maryland and related cases:

Counsel for Plaintiff expressly acknowledges continuing responsibility to disclose any material favorable to defendant within the meaning of Brady that becomes known to the Government during the course of these proceedings.

6. The fact of disclosure of the existence or nonexistence of any evidence obtained through electronic surveillance or wiretap:

There were no wiretaps in this case. The United States has produced copies of video surveillance footage recovered from the Super 8 Motel and bodycam footage from Moore Police Officers from the hours after midnight on March 9, 2017.

7. The fact of disclosure of the contemplated use of the testimony of an informer. (Include only the fact an informer exists and not the name or testimony thereof):

None at this time.

8. The fact of disclosure of the general nature of any evidence of other crimes, wrongs, or acts the government intends to introduce at trial pursuant to Fed. R. Evid. 404(b):

The United States has disclosed and produced materials related to communications Shortey had with other underage males via email and his connections to other individuals on Kik who were likely involved in the trading and sharing of child pornography. Further, the investigation indicates Shortey likely destroyed the hard drive of his laptop and his smartphone in an effort to hinder law enforcement efforts to investigate further wrongdoing.

9. The fact of disclosure of the prior felony convictions of any witness the government intends to call in its case-in-chief:

None at this time.

10. The resolution, if any, of foundational objections to documentary evidence to be used by both parties (except for the purpose of impeachment):

None at this time.

11. The resolution, if any, of chain-of-custody matters (where at issue):

None at this time.

12. The resolution, if any, of the admissibility of any reports containing scientific analysis without requiring the expert's attendance at trial:

The United States intends to introduce forensic reports of the minor victim John Doe's electronic devices, and Defendant agrees that such forensic reports are admissible without the testimony of the forensic examiners.

13. The parties will provide each other with the opportunity to inspect any demonstrative evidence, representational exhibits or charts.

Counsel for both parties state that presently there are no additional matters of discovery presently known.

Counsel expressly acknowledge the obligation to produce these items(s) as soon as practicable, but in no event later than fourteen (14) days prior to the trial of this cause. Counsel also expressly acknowledges continuing obligation to disclose any materials that become known to counsel during the course of the pretrial investigation of this cause.

14. Notice of Alibi:

None.

15. Notice of Insanity Defense or Expert Testimony of Defendant's Mental Condition:

None.

16. Notice of Defense Based on Public Authority:

None.

At the conclusion of this conference, counsel conferred concerning the contents of this joint statement.

Respectfully submitted,

MARK A. YANCEY
United States Attorney

s/K. McKenzie Anderson
K. McKENZIE ANDERSON
Bar No. 30471
BRANDON HALE
Bar No. 19819
Assistant U.S. Attorneys
210 Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8781(Office)
(405) 553-8888 (Fax)
mckenzie.anderson@usdoj.gov
brandon.hale@usdoj.gov

s/Ed Blau

ED BLAU

Bar Number: 20626

Counsel for Defendant

101 Park Ave., Suite 600

Oklahoma City, OK 73102

405-232-2528 (office)

405-232-2532 (fax)

edblau@blaulawfirm.com

(Signed copy of document bearing signature
of defense counsel is being maintained in the
office of plaintiff's attorney)